UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.20
4 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE
ON ENVIRONMENT AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Proposal submitted by China and by Pakistan on behalf of the States Members of the United Nations that are members of the Group of 77

RIO DE JANIERO CHARTER/DECLARATION ON ENVIRONMENT AND DEVELOPMENT

Principle 1. National sovereignty over natural resources

States have the sovereign right over their own natural resources. Pursuant to their own environmental and development policies, they have the responsibility to ensure that activities within their jurisdiction do not cause damage to the environment of other States or of areas beyond the limits of their national jurisdiction.

Principle 2. The human being as the centre of environmental concerns

Human beings are at the centre of environmental concerns. In this context, the quality of the environment is dependent on the satisfaction of basic human needs. Human beings should be guaranteed a healthy life, free from hunger, disease and poverty.

Principle 3. Right to development

The right to development is an inalienable right and therefore the development needs of all developing countries shall be treated as a matter of priority.

Principle 4. Integration of environment and development

States and international organizations shall address environmental issues in the process of development by integrating environmental concerns with the imperatives of economic growth and development.

Principle 5. Main responsibility

The major historical and current cause of the continuing deterioration of the global environment is the unsustainable pattern of production and consumption, particularly in developed countries. Thus, the responsibility for containing, reducing and eliminating global environmental damage must be borne by the countries causing such damage, must be in relation to the damage caused and must be in accordance with their respective responsibilities. All countries, in particular developed countries, shall make commitments to address their unsustainable patterns of consumption.

Principle 6. Equity

To meet the needs of present and future generations, considerations of equity must include damage caused to the environment in the past, the growth and development needs of the present generation and the apportionment of equal shares of global environmental space.

Principle 7. Special needs of the developing countries

A new form of international cooperation is essential for addressing sustainable development, in which access to and transfer of environmentally [safe and] sound technology on preferential and concessional terms as well as provision of adequate, new and additional financial resources are of paramount importance for the transition of developing countries to sustainable development.

Principle 8. Environment and trade

States shall cooperate to promote an international economic environment supportive of sustainable development. In this connection, the developed countries shall ensure that their actions are conducive to the growth of the world economy in general and the development of the developing countries in particular. Global environmental considerations cannot justify restrictive trade practices or new forms of conditionality.

Principle 9. Environmental, economic, social and cultural diversity

States shall respect and conserve ecological, economic, social and cultural diversity. Environmental standards that are valid for the most advanced countries may be inappropriate and of unwarranted economic and social cost for the developing countries. Therefore, environmental management objectives and priorities for the developed and developing countries, based on living standards, social and economic conditions as well as natural resource endowments, will be different.

States and peoples recognize the importance of the sustainable use of biological diversity as a fundamental factor of development and will strengthen their efforts in this regard.

Principle 10. Scientific understanding and research and development, and exchange of information

Research, free exchange and transfer of scientific knowledge and experience shall be ensured to strengthen national scientific and technological capacities in developing countries to protect the environment and promote growth and sustainable development.

Principle 11. Endogenous capacity-building

The efforts of the developing countries aimed at endogenous capacity-building in environment and development shall be supported, in order to enable them to take effective preventive and corrective actions.

Principle 12. International and transboundary movement of hazardous activities and substances

Measures taken in a specific country to reduce and/or control activities or projects harmful to the environment shall not lead to the displacement and transfer of these activities or projects to another country. Toxic and hazardous substances and wastes, dangerous genetically modified organisms, and radioactive wastes shall be treated at the point of generation. Transboundary treatment or disposal of these substances shall be banned. Measures shall also be taken to halt the international illicit traffic in toxic and hazardous substances and wastes. The countries of origin and entities involved in such activities shall bear the liability for compensation.

Principle 13. Contamination

States are responsible for the damage caused to the global environment by the use of all weapons of mass destruction. The use of weapons of mass destruction is a crime against both humanity and the environment.

Principle 14. Decentralized management of environment at the national level

At the national level, the management of the environment is best achieved when the issues are dealt with with the full participation of all citizens.

Each individual has the right to a clean and ecologically balanced environment, to be informed of the state of the environment and of all activities that have a negative impact on the environment and to participate in the decisions affecting their environment.

Principle 15. Environmental regeneration

Environmental regeneration is a common concern. Degraded ecosystems and ecological processes shall be rehabilitated. Areas affected by desertification, aridity and drought and areas vulnerable to sea-level rise also deserve special consideration. Therefore, all States and international organizations shall support such efforts of developing countries.

Principle 16. Special situation of the developing countries

The special situation of the developing countries shall be fully taken into account. Underdevelopment, poverty and environmental problems are closely interrelated and environmental protection in developing countries shall be viewed as an integral part of the development process and cannot be considered in isolation from it.

Full recognition shall be given to the special situation, realities and problems of the developing countries in the implementation of the principles of this Declaration.

Principle 17. The right of people under occupation

The environment and natural resources of people under occupation should be protected. Therefore, any policies or measures that may lead to the degradation of their environment or to the depletion of their natural resources shall be immediately halted.

Principle 18. Peaceful settlement of environmental disputes

States shall resolve their environmental disputes peacefully in accordance with the Charter of the United Nations.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.20/Rev.1
19 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

China and Pakistan*: draft decision

Rio de Janeiro Charter/Declaration on Environment and Development

The Preparatory Committee for the United Nations Conference on Environment and Development, recalling General Assembly resolution 44/228 of 22 December 1989, decides that the following should constitute the Rio de Janeiro Charter/Declaration on Environment and Development to be adopted at the United Nations Conference on Environment and Development, to be held in Rio de Janeiro:

Rio de Janeiro Charter/Declaration on Environment and Development

The United Nations Conference on Environment and Development,

Having met at Rio de Janeiro from __ to __ June 1992,

Conscious that humankind lives in a dynamic but fragile Earth,

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* On behalf of the States Members of the United Nations that are members of the Group of 77.

Considering the state of poverty in which many peoples of developing countries live,

Recognizing that the duty to promote the integral development of all demands a corresponding solidarity in seeking to promote an ever better quality of life for all, as well as the protection of the environment which supports that life,

Recognizing the need continually to develop and review environmentally sound principles and guidelines without prejudice to general economic development,

Considering overall developments in international relations in recent years which, despite setbacks, offer unprecedented opportunities for progress in international cooperation, aware of new and increasing threats such as unacceptable poverty and unsustainable lifestyles of the affluent, as well as environmental deterioration jeopardizing the long-term survival of the fragile ecosystem, and conscious of the political imperatives of the interdependence between nations,

Aware that the integration of environment and development rests upon the attainment of a socially and economically just world,

1. Affirms that sustainable development for present and future generations, for humankind to live in harmony with nature, environmental and developmental concerns must be integrated;

2. Calls upon people, organizations and Governments to move with resolution and determination to exert common efforts for the protection of the environment and the achievement of development;

3. Calls upon all States and peoples to observe and implement the following principles in a spirit of partnership to restore the ecological balance of the Earth:

Principles

Principle 1

Human beings are at the centre of environmental concerns. They are entitled to a life of well-being and dignity which allows them to live in harmony with the environment.

Principle 2

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or

control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Principle 3

The inalienable right of States and people to development must be fulfilled in order to meet the environmental needs of present and future generations. Equity within the present generation shall take into account environmental damage caused in the past, as well as the developmental and environmental needs of present and future generations.

Principle 4

Environmental protection shall be viewed as an integral part of the development process and cannot be considered in isolation from it.

Principle 5

The special situation and needs of developing countries, particularly the least developed countries, their right to achieve their full economic potential, and the eradication of poverty shall be fully taken into account in any international action taken with respect to environment and development.

Principle 6

States, organizations and individuals shall cooperate in good faith and in a spirit of partnership in the effort to eradicate poverty.

Principle 7

All States share a common but differentiated responsibility for containing, reducing, and eliminating global environmental damage and for restoring the ecological balance of the Earth, in accordance with their respective responsibilities and capabilities.

The major cause of the continuing deterioration of the global environment is the unsustainable patterns of production and consumption, particularly in developed countries. All countries, particularly developed ones, shall make commitments to address their unsustainable patterns of production and consumption.

In view of their main historical and current responsibility for global environmental degradation and their capability to address this common concern, developed countries shall provide adequate, new and additional financial resources and environmentally sound technologies on preferential and concessional terms to developing countries to enable them to achieve sustainable development.

Principle 8

States shall strengthen endogenous capacity-building in order to promote sustainable development, particularly in developing countries. Effective international cooperation in research, development and application of environmentally sound technologies is crucial for environmental protection. The free access to, and transfer of, state-of-the-art scientific and technical knowledge, experience and information shall therefore be supported and ensured to strengthen national scientific, technical and technological capabilities in the field of environment and development.

Principle 9

States shall develop further national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious manner to develop further international law regarding liability and compensation for environmental, human and economic damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

Principle 10

As the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in developed countries they shall be responsible for combating such pollution and ensuring that toxic and hazardous wastes, including dangerous genetically modified organisms and radioactive waste, are disposed of in the proximity of their production.

Principle 11

At the national level, the management of the environment is best achieved when the issues are handled with the full participation of all citizens, with due concern for the appropriate and relevant community levels. Each individual has the right to be informed of the state of the environment and of all activities that may have a negative impact on the environment and to participate fully in the decision-making process affecting the environment.

Principle 12

Precautionary measures by all States to protect the environment, in accordance with their capabilities, must anticipate, prevent, attack or minimize the causes of and mitigate the adverse consequences of environmental damage. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental damage. The measures adopted should take into account different socio-economic contexts.

Principle 13

States shall respect and conserve ecological, social and cultural diversity. Environmental standards, management objectives and priorities valid for developed countries may be inappropriate and of unwarranted economic and social cost for developing countries.

Principle 14

The promotion of economic growth is essential to address problems of environmental degradation. States shall cooperate to promote a supportive and open international environment that would result in sustained economic growth and development in all countries. In the absence of a universal, multilaterally agreed international consensus, environmental considerations shall not be used to justify restrictive trade practices, including those framed as new forms of conditionality.

Principle 15

Measures taken in a specific country to reduce or control activities and projects harmful to the environment shall not lead to the displacement and transfer of these activities or projects to another country.

Principle 16

All States shall promote agricultural development policies based on the economically rational, efficient and sustainable use of the factors of production and resources, and shall avoid production practices which, in addition to distorting internal and external markets, have environmentally detrimental effects.

Principle 17

All efforts shall be made by the international community to help States afflicted by natural disasters.

Principle 18

States shall give urgent attention to and shall embark promptly on innovative measures, including legal instruments, to halt and reverse the process of desertification, as well as to alleviate the threat to the survival of some small island States and of low-lying coastal, arid and semi-arid areas.

Principle 19

States and people shall, in accordance with their capabilities, strengthen their efforts to rehabilitate degraded ecosystems and ecological processes in order to restore the ecological balance of the Earth and to prevent further deterioration of the environment and to lead to its enhancement.

Principle 20

The role of women in all activities should reflect their central importance. Issues of special concern to women must be integrated into all aspects of environmental and developmental activities.

Principle 21

States and people recognize that the productive activities of indigenous cultures and local communities are of the utmost importance and will continue to contribute to the achievement of sustainable development. The heritage and knowledge of indigenous people and local communities add to the positive contribution in safeguarding and rehabilitating their natural environment. States should ensure the effective participation of indigenous people and local communities in decision-making process on matters pertaining to sustainable development.

Principle 22

Policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated. The environment and natural resources of people under such oppression, domination and occupation shall be protected.

Principle 23

Employing methods or means of warfare which are intended or may be expected to cause widespread, long-term and severe damage to the natural environment shall be treated as a war crime. States must strive to reach prompt agreement on the complete elimination and destruction of weapons of mass destruction. The use of such weapons is a crime against humanity and the environment.

Principle 24

Peace, development and environmental protection are indivisible. Any international regime cannot be considered equitable and just if it ignores the disparities in standards of living between nations and is insensitive to the development needs of the majority of the people of the world.

Principle 25

States shall resolve their environmental disputes peacefully in accordance with the Charter of the United Nations.

Principle 26

States and peoples shall cooperate in good faith and in a spirit of partnership in the implementation of the principles embodied in this Charter and further develop international law in the field of sustainable development.

UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.21
4 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE
ON ENVIRONMENT AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Proposal submitted by the United States of America

1. The United States submits the following proposal, which draws on the proposals made at the third session of the Preparatory Committee by various Governments and reflects extensive discussions with interested non-governmental organizations. It contains 17 principles corresponding to the 17 categories of principles contained in document A/CONF.151/PC/WG.III/L.8/Rev.1.

2. The United States believes this should be incorporated as a prologue to Agenda 21.

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DECLARATION ON ENVIRONMENT AND DEVELOPMENT

Preamble

The United Nations Conference on Environment and Development,

Having met at Rio de Janeiro from 1 to 12 June 1992;

Conscious that the Earth is a dynamic but fragile whole, in which all ecosystems are interdependent;

Recognizing the scale, depth and pace of human-induced changes to the environment, and determined to increase human understanding of those changes and the capacity for anticipating, responding and adapting to them;

Also recognizing the mutual interdependence of all States and people and the need for communities to live together in balance with the environment to ensure sustainable development for all and the continuity and quality of life now and for future generations;

Affirms, in light of those understandings, the following sustainable development principles to guide future action:

Principles

Principle 1

Environmental protection and economic and social development ultimately cannot be achieved at the expense of each other. Environment and development goals should be pursued simultaneously, in an integrated fashion.

Principle 2

States and people share a common goal to promote environmentally sound, sustainable development for all. They should seek to attain this goal by individual and collective action, contributing in accordance with their respective responsibilities and capacities and with special regard for the needs of economically disadvantaged countries and people.

Principle 3

Respect for human rights is fundamental to sustainable development, in particular the rights to:

Associate with others and freely express views;

Publish and distribute information;

Participate in public debates;

Have fair and effective access to legal and administrative redress and remedy of grievances.

Principle 4

All people should share in the benefits of a clean environment and responsible economic and social development, including the sustainable management of natural resources, and recognize the need to preserve those benefits for future generations.

Principle 5

States have the sovereign right to exploit their own natural resources and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Principle 6

States should adopt precautionary and preventive approaches when planning and undertaking activities, in order to anticipate, prevent and attack the causes of environmental degradation. Lack of full scientific certainty should not be a reason in itself for postponing effective measures to prevent environmental degradation.

Principle 7

All people should cooperate in good faith and in a spirit of global partnership at the local, national, regional and international levels to achieve sustainable development. In cases of environmental emergency, States should provide each other with timely notification and assistance.

Principle 8

States should consider the special situation and needs of developing countries in achieving sustainable development and provide appropriate assistance.

Principle 9

Environment and development objectives and policies should be integrated with economic and trade policies, including through appropriate harmonization of the international regimes for international trade and environmental protection.

Principle 10

A commitment to peace and security for all States and people is fundamental to the achievement of sustainable development.

Principle 11

States and people should seek to eliminate or reduce unsustainable patterns of production and consumption.

Principle 12

Sustainable development is dependent on a world public that is educated, literate and well-informed. Individuals, groups and organizations should have access to information relevant to environment and development, held by national authorities, including information on products and activities which have or are likely to have a significant impact on the environment, information on hazardous materials and activities in their communities, information on environmental monitoring and information on environmental protection measures undertaken.

Principle 13

Open and free markets at the national, regional and international levels are fundamental to the achievement of sustainable development. Markets should reflect full economic accounting of environmental costs and benefits and market forces and mechanisms, and other economic instruments should be harnessed to achieve sustainable development goals.

Principle 14

Polluters should bear the costs of carrying out pollution prevention and control measures introduced by public authorities. These costs should be reflected in the cost of goods and services that cause pollution in production and/or consumption to encourage rational use of scarce environmental resources and to avoid distortion in international trade and investment. Markets should reflect full economic accounting of environmental costs and benefits.

Principle 15

Democratic laws, institutions and procedures are essential to the achievement of sustainable development. States should establish open and democratic forms of decision-making affecting economic and social development and environmental protection, and facilitate the broad participation of individuals, groups and organizations in that decision-making. Individuals, groups and organizations with a cognizable legal interest should have access to judicial and administrative procedures for redress and remedy of wrongful actions affecting environment and development.

Principle 16

In addition to its corrosive effects on social and economic well-being and development, poverty is a major contributor to environmental degradation. All States and all people should make the elimination of poverty an essential task of their efforts to achieve sustainable development.

Principle 17

The achievement of sustainable development requires technological and financial assistance to developing countries, and those States with adequate means should take steps to provide such assistance as may be appropriate.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.22
4 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Rights and obligations

Proposal submitted by Japan

Preamble

1. The global environment is deteriorating. The changes taking place on earth now affect the atmosphere around it and have given rise to such ominous developments as global warming and the destruction of the ozone layer. This makes protection of the environment of the greatest urgency.

2. In developing countries, the rapid increase in population growth, poverty and the destruction of the environment constitute a vicious circle and are a serious threat to health and well-being. Accordingly, the issue of environment and development should be considered in this context.

3. To ensure the survival of humankind and the full diversity of living creatures in a sound global environment and so that we may pursue our common interests on a continuing basis, we should reconsider our current patterns of production, consumption and development. We should likewise move with resolution and determination to transform our societies and cultures, so that sustainable development becomes not merely a goal but a reality.

Principles

1. Integration of environment and development

States should make efforts to achieve sustainable development through the integration of environment and development, keeping in mind that these efforts can only be expected to bear fruit over the long term.

4. Responsibility to present and future generations

Today and in the future, the individual has both a fundamental right to benefit from the common resources of humankind, which constitute the global environment, and at the same time a responsibility to protect, restore and improve them for present and future generations.

5. Sovereignty and responsibility to others

Each State has the sovereign right to exploit its own resources in accordance with its own environmental policies. However, this right should not be exercised in a manner inconsistent with the goal of integrating development and environmental protection. States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environments of other States. They should therefore conduct environmental impact assessments on any projects whose effects may be felt beyond their own national boundaries, the results to be provided promptly to the States concerned.

8. Special needs of developing countries

States should strengthen their cooperation to support the efforts of developing countries to overcome poverty and remedy serious environmental damage, so that they may achieve sustainable development. In extending official development assistance, therefore, States should give due consideration to such matters as conservation of the environment of the areas to receive such assistance and the welfare of the indigenous people living there. These issues should likewise be given consideration in connection with direct investment to foreign countries.

18. Scientific understanding of the global environment

States should cooperate in international programmes devoted to systematic observation and scientific research and, each to the best of its ability, make efforts to develop greater scientific understanding of the global environment, the results to be reflected in the actions they subsequently take. Failure to arrive at complete scientific certainty, however, should not be used as an excuse for inaction or for postponing the implementation of measures to protect the global environment.

19. Technologies for sustainable development

States should cooperate to develop and diffuse environmentally sound technologies that will promote sustainable development. They should likewise strengthen national efforts and international cooperation in this area, including re-evaluation and improvement of existing technologies suitable for recipient countries and thereby promote effective transfer of technology.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.23
4 March 1992
ENGLISH
ORIGINAL: ENGLISH/FRENCH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Earth Charter

Proposal submitted by Canada

We, the people of the Earth,

Being the first generation of humankind to have seen our planet from outer space and to have perceived its beauty and fragility in its entirety,

Realizing that the ecological health of the Earth is now in jeopardy, putting at risk the chances of development of all its people, while so many have not even reached a decent standard of living,

Understanding that our common future is based on the fundamental inseparability of humankind from all of nature,

Affirming that, in order to be sustainable, our development requires that we integrate both the environmental and the developmental concerns that prevail at local, regional and global levels,

Aware that the protection of the environment and the achievement of development requires the enhancement of international peace and security, as well as full cooperation among ourselves, both individually and collectively,

Hereby solemnly declare that:

1. All States and people share the responsibility, which is common but differentiated, to conserve, protect and restore the health and integrity of the Earth's ecosystem, including its air, land, water and biological diversity.

2. All States and people shall, for the benefit of future as well as present generations, have the opportunity to achieve full development and equity, while living within the capacities of the Earth's ecosystem.

3. All States and people shall strive for the elimination of poverty as an indispensable component of sustainable development.

4. All States and people shall treat the environment of other States and people, the global commons, as well as the Earth's ecosystem, in a manner at least as favourable as their own environment and consistent with international law and this Charter.

5. All States and people shall recognize and encourage cultural diversity, particularly indigenous lifestyles with a sustainable relationship to the Earth.

6. All States and people, when undertaking activities that may affect the Earth, shall adopt precautionary and preventive approaches, including assessment and management practices which take into account the intrinsic value of the environment.

7. All States and people, when using the Earth's resources, shall adopt the most appropriate environmental technology in order to minimize waste and harm to the environment.

8. All States and people shall strive to ensure that economic activities reflect their full environmental and social costs and benefits.

9. All States and people shall cooperate to promote trade relations that are supportive of local, regional and global sustainable development.

10. All States and people shall promote public education, scientific research and monitoring, and the availability of information concerning the Earth's ecosystem and development, and the relationship between them.

11. All States and people shall ensure public participation in the decision-making processes concerning the environment and development.

12. All States and people shall pursue and encourage the implementation of the principles of this Charter, in cooperation and in accordance with their respective responsibilities and capabilities.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.24
5 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Proposal submitted by Australia

STRUCTURE AND OUTLINE OF THE RIO DE JANEIRO DECLARATION/EARTH CHARTER AND COMMENTS ON A/CONF.151/PC/WG.III/L.8/Rev.1

The contributions of delegations, including those made in the discussions during the opening informal meeting of Working Group III during the current session of the Preparatory Committee, might usefully be grouped under the following headings:

PREAMBLE

Notion of harmony

Importance of environment to peace and security

Concern over state of environment and imperative of cooperation

Integration of environment and development

Declaratory commitment to the cooperative implementation of the declaration by States and other actors (possibly at end of charter)

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PRINCIPLES

Intergenerational equity

Consumption patterns, population and poverty

Stockholm premise, sovereignty, differentiated responsibilities and assistance to developing countries

Liability, compensation and emergency assistance

Environment protection; including conservation of biological diversity, maintenance of ecological processes and sustainable resource use

Precautionary principle, irreversibility and prior evaluation

Science, research and monitoring and capacity-building

Resource pricing, polluter pays and user pays, trade and environment

Individual rights, including right to development, rights of special groups, public participation and education

COMMENTARY BASED ON A/CONF.151/PC/WG.III/L.8/Rev.1

1. Integration of environment and development

Preferred location/association: Preamble.

Preferred text:

Recognizing the imperative of the integration of environmental and development concerns and decision-making processes at the local, national and international levels.

Other possible elements:

Affirmation that the needs of individuals and communities for economic development can be compatible with the need for a clean, healthy and productive environment.

Comment:

Our preference is for "integration" being stated as a goal or basis for action rather than a principle. Principles should all deal with the methods of "integration".

2. Common but differentiated responsibilities

Preferred location/association: free-standing principle governing environmental protection and responsibility.

Preferred text: to be based on a general provision on protection of the environment, including biological diversity (e.g., para. 5) and (to note that):

> Responsibilities for combating environmental degradation and pollution should be according to contribution to that damage.

Other possible elements:

Common international standards can be developed on the basis of assistance to address differences in capacity.

The methods of meeting agreed standards may differ on the basis of the particular circumstance of each country.

3. Individual and group rights

Preferred location/association: Linked with principle 12.

Preferred text:

> All individuals have the right to participate equitably in economic, social, cultural and political development and to a healthy environment.
>
> The contribution of all groups to the maintenance of economic and social systems, to cultural diversity and to environmental management and decision-making is to be valued, promoted and protected.
>
> In particular, Governments will:
>
> (a) Ensure the incorporation of women's perspectives, contributions, needs, concerns and participation at all levels and in all sectors relating to the promotion of sustainable development, particularly at the levels of decision-making, planning and management;
>
> (b) Recognize the special relationship of indigenous peoples to the environment and their priorities for sustainable development of the lands and resources they traditionally occupy and use; safeguard the environment of indigenous peoples and ensure their consultation and participation at all levels of decision-making in environment and development matters affecting them; recognize, record, transmit and use those traditional practices of indigenous peoples which are ecologically sustainable.

4. Intergenerational equity

Preferred location/association: free-standing principle.

Preferred text:

Decisions should be based on the assumption that future generations must have a need for an environment which is no less healthy, diverse and productive than the environment of current generations.

5. Sovereignty and responsibility

Preferred location/association: free-standing principle, linked with principles 2, 7 and 8.

Preferred text:

States have the sovereign right to exploit their own natural resources in a sustainable manner while ensuring that activities carried out within their jurisdiction and control do not cause damage to the environment of other States and of the areas beyond national jurisdiction (para. 42; and the Declaration on the Human Environment).

6. Precautionary principle

Preferred location/association: free-standing principle.

Preferred text:

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. (See para. 54 and additional concepts.)

Other possible elements:

Public and private decisions should be guided by:

(a) Careful evaluation, so as to avoid, wherever practicable, serious or irreversible damage to the environment;

(b) Prior assessment of the risk-weighted consequences of various options.

7. Cooperation

Preferred location/association: could be taken together with principles 2 and 8.

Preferred text: Only ideas expressed in paragraphs 60, 62 and 64 would appear to advance this issue beyond the texts under discussion in principles 2 and 5.

8. Special needs of developing countries

Preferred location/association: could be covered with principles 2 and 7.

Preferred text: could recognize the special economic and other circumstances of developing countries and their need for capacity-building.

Other issues:

Note the particular vulnerability of some States to environmental change.

9. Environment and world trade

Preferred location/association: could be combined with principles 13 and 17.

Preferred text:

The full incorporation of environmental and social costs in the prices of traded goods and services, coupled with the removal of barriers to trade and of subsidies on production, would provide a significant and fundamental foundation for the achievement of sustainable development in all countries.

Other possible elements:

The need to strive for consistency between international trade and environmental obligations.

Avoidance of trade distortion.

10. Peace and security

Preferred location/association: preambular statement or free-standing principle.

Preferred text: should note the interrelationship between environment, peace and security.

Other possible element: recognition of the Charter of the United Nations and the basic principles of international law for the peaceful resolution of disputes.

11. Production and consumption patterns

Preferred location/association: linked to principle 16.

Preferred text: should recognize the fundamental link between population growth, poverty, consumption patterns and the sustainable use of resources.

Other issues: (to be taken up in Agenda 21)

Cultural values and lifestyles.

Role of women in society.

Need for planning, education and research.

Particular circumstances of each country and community.

12. Information and education

Preferred location/association: combined with principle 3.

Preferred text: should concentrate on the need for environmental education and information, including environmental risks.

Other possible elements:

Promotion of research and monitoring and technological and scientific capacity-building for all countries.

Promote sharing of information about environmental hazards and risks.

13. Cost internationalization

Preferred location/association: linked to or combined with principle 9.

Preferred text: paragraphs 102, 106 and 107, with emphasis on accounting for environmental costs.

Other possible elements: Governments to determine the appropriate mix of regulatory and economic instruments to meet objectives, based on the particular political, social, economic and environmental circumstances.

14. Liability for damage and dispute settlement

Preferred location/association: free-standing principle (possible link to principle 5).

Preferred text: based on paragraph 108.

Other possible elements:

A commitment to the further development of the international legal framework for liability, compensation and dispute settlement in cases of damage to the environment of another State or to the global commons.

15. Public particiation and democracy

Preferred location/association: combined with principle 3.

Preferred text: based on paragraphs 115 and 117, with "rights" replaced by "need".

16. Poverty

Preferred location/association: combined with principles 1 and 11.

17. Resource transfer

Preferred location/association: combined with principles 9 and 13.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.25
6 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Elements for the Earth Charter

Proposal submitted by Portugal on behalf of the States members of the European Community

Elements for the Earth Charter

1. Common but differentiated responsibility

All States and peoples share a common but differentiated responsibility to protect the global environment and, to this end, shall cooperate on the basis of a global partnership reflecting equitable burden sharing between developed and developing countries.

2. Promotion of sustainable development

In order to ensure sustainable development in all countries, environmental considerations shall be integrated into the formulation of policies and into decision-making processes at local, national and international levels.

3. Poverty, consumption patterns, population growth

All States and peoples shall combat poverty, eliminate or avoid unsustainable patterns of production and consumption and formulate and promote population policies compatible with sustainable development.

4. Environmental legislation and economic instruments

States shall enact and implement effective environmental legislation and make full use of economic instruments. Measures of environmental protection shall be coordinated internationally, where possible.

5. "Polluter pays" principle

The polluter shall bear the expenses of carrying out the necessary pollution prevention and control measures introduced by public authorities to protect the environment. States shall endeavour to ensure that markets in products, services and natural resources reflect environmental costs.

6. Precautionary principle

Environmental measures must anticipate, prevent and attack the causes of environmental degradation, and where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.

7. Environmental impact assessment

For any proposed activity or any proposed substantial change in an activity that is likely to have a significant adverse impact on the environment and is subject to a decision of a competent authority, an environmental impact assessment shall be undertaken.

As part of an environmental impact assessment, the public shall be provided with information in due time about any proposed activity, for examination and comment.

8. Participation of the public

Consistent with national laws that protect major public interests, the public shall have access to information held by national authorities that is relevant to the environment, including information on products and activities that have, or are likely to have, a significant adverse impact on the environment, and information on environmental protection measures.

The views of the public shall be taken into account in government decision-making processes related to environment and development. Competent authorities shall facilitate and encourage public participation, inter alia, by making information widely available and by receiving public views.

In particular, States, recognizing the special relationship of indigenous peoples to their environment, shall take special measures to safeguard the environment of indigenous peoples and to ensure that they are consulted at all levels of decision-making in matters pertaining to their environment, and shall acknowledge that those peoples can decide their own priorities for the process of development.

9. Notification and consultation

States shall provide prior and timely notification and relevant information to other concerned States on activities that may have a significant international or transboundary effect and shall consult with those other States at an early stage and in good faith.

States shall immediately notify other States of any emergency situation that might produce sudden harmful effects on the environment of those other States.

10. Remedies and compensation

States shall provide effective remedies to prevent significant environmental harm and secure prompt and adequate compensation for damage.

11. International environmental disputes

States shall provide adequate mechanisms for prevention and settlement of international environmental disputes.

12. Environmental security

States shall commit themselves to ensuring environmental security by giving special attention to the environmental risks that threaten the survival of humankind or of the Earth as a whole.

13. Cooperation

All States and peoples shall cooperate in good faith and in a spirit of partnership in the implementation of the principles embodied in the present Charter.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.26
6 March 1992
ENGLISH
ORIGINAL: SPANISH

PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Proposal submitted by Argentina

Principle on sustainable agricultural development

All Governments shall promote agricultural development policies based on the economically rational, efficient and sustainable use of the factors of production and resources, and shall avoid production practices which, in addition to distorting internal and external markets, have environmentally detrimental effects.

92-10692 2893c (E) 090392 090392 090392

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.27
9 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Proposal submitted by Denmark, Iceland, Norway and Sweden

EARTH CHARTER. ELEMENTS FOR CONSIDERATION

I. Preamble

1. Overall developments in international relations in recent years which offer unprecedented opportunities for progress in international cooperation;

2. New and increasing threats such as unacceptable poverty and not sustainable lifestyles of the affluent as well as environmental deterioration jeopardizing the long-term survival of the fragile global ecosystem;

3. Political imperatives of the interdependence between nations;

4. Reference to the Declaration of the United Nations Conference on the Human Environment, held in Stockholm in 1972, 1/ and other relevant declarations or resolutions;

5. Reference to present global environmental problems:

(a) Special situations of developing countries;

(b) Sustainable development and consumption patterns;

6. Reference to the need for developing international environmental law giving due attention inter alia to the prevention and settlement of disputes concerning the environment.

II. Principles

1. Environmental protection and economic and social development ultimately cannot be achieved at the expense of each other. Environment and development goals should be pursued simultaneously, in an integrated fashion.

2. States and people share a common goal to promote environmentally sound, sustainable development for all. They should seek to attain this goal by individual and collective action, contributing in accordance with their respective responsibilities and capacities, and with special regard for the needs of economically disadvantaged countries and people.

3. Sustainable development requires States, individuals and social groups to strive to eradicate poverty, to eliminate or avoid unsustainable patterns of production and consumption and to create humane working environments.

4. Recognition that threats to the environment may constitute threats to the maintenance of international peace and security.

5. States shall recognize and take special measures to safeguard the special relationship of indigenous peoples to the environment and acknowledge that they may decide their own priorities in the process of development.

6. States shall act to ensure the incorporation of women's perspectives, aspirations, needs, concerns and participation at all levels and in all sectors relating to promotion of sustainable development.

7. States have the sovereign right to exploit their own natural resources and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

8. Everyone has the right to an environment adequate for his/her general health and well-being and has the responsibility to protect and conserve the environment for the benefit of present and future generations.

9. Democracy and a well functioning market economy are of fundamental importance for a sustainable development. Markets should reflect full economic accounting of environmental costs and benefits, and market forces and mechanisms, and other economic instruments should be harnessed to achieve sustainable development goals.

10. Everyone has the right:

(a) To participate in the decision-making process for activities which do or could have a significant impact on the environment;

(b) Of access to adequate information relevant to the environment, including information on products and activities that could or do significantly affect the environment and on environmental protection measures;

(c) Of access to administrative and judicial proceedings concerning activities that could or do have a significant adverse impact on the environment equal to that of those resident in the State where the activity takes place.

11. States should adopt precautionary and preventive approaches when planning and undertaking activities, to anticipate, prevent and attack the causes of environmental degradation. Lack of full scientific certainty should not be a reason in itself for postponing effective measures to prevent environmental degradation.

12. States have the responsibility to ensure that actions which could have a significant impact on the environment shall be made subject to a prior assessment of the effects on the environment and to prior authorization made in the light of that assessment.

13. States and enterprises shall ensure that all economic transactions and products bear the full costs of the environmental risks and impacts to which they give rise.

Notes

1/ Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972 (United Nations publication, Sales No. E.73.II.A.14), chap. I.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.28
9 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Proposal submitted by Denmark and the United Kingdom of Great Britain and Northern Ireland on the basis of the work of several non-governmental organizations from around the world

Preamble

We honour Earth as the home of all living things;

We cherish her intrinsic beauty and the interdependence and diversity of her life;

We welcome her finite ability to renew herself as being the basis of all life on Earth;

We recognize the special place of Earth's first peoples, their territories, their customs, and their unique relationship to Earth;

We accept a shared responsibility to protect and restore Earth and to allow certain rights to use her resources sustainably and equitably to meet our social, economic and spiritual needs without compromising the rights of future generations;

In all our diversity we are one human family sharing a common and increasingly threatened home, which urgently requires action;

We affirm the principles of the Declaration of the United Nations Conference on the Human Environment, held in Stockholm in 1972, 1/ to which we add the following principles, noting at all times the particular needs of women, indigenous peoples, the developing countries and all those who are disadvantaged.

Notes

1/ Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972 (United Nations publication, Sales No. E.73.II.A.14), chap. I.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.29
10 March 1992
ENGLISH
ORIGINAL: SPANISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 4

OTHER LEGAL, INSTITUTIONAL AND RELATED MATTERS, AS WELL AS LEGAL AND INSTITUTIONAL ASPECTS OF CROSS-SECTORAL ISSUES, INCLUDING THOSE REFERRED TO WORKING GROUP III BY WORKING GROUP I, WORKING GROUP II AND THE PLENARY OF THE PREPARATORY COMMITTEE

Creation of a "Planet Earth Council"

Proposal submitted by Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama

1. The Central American countries see clearly that the development of our peoples is inseparably bound up with caring for the environment.

2. Our region has made significant progress on the path towards peace and now, together with all nations of the world, we are confronting a new challenge, that of establishing that same peace with nature. We have learned that respect for life and caring for the earth are basic pillars in building this new model of society within a just and equitable economic order.

3. The political will of the Central American Presidents on this score has been expressed in the decisions adopted at presidential summits, in the creation of mechanisms such as environment and development commissions at the national and regional levels, the creation of specific commissions responsible for such matters within the legislative bodies and the establishment of the Central American Interparliamentary Commission on Environment and Development.

4. Central America recognizes and gives due weight to the crucial importance these negotiations have for the future of the planet, and acknowledges the need to establish suitable mechanisms for taking full advantage of the effort the international community has made in connection with the United Nations Conference on Environment and Development.

5. The Central American Governments support the Costa Rican proposal contained in paragraph 163 of document A/CONF.151/PC/102, and accordingly propose the creation of a "Planet Earth Council", composed of a group of persons distinguished by their high scientific qualifications and recognized international prestige. The Council will systematically review and help to follow up on the agreements and resolutions adopted at the forthcoming Conference in Rio de Janeiro and will also help to support the implementation and execution of Agenda 21.

6. In accordance with document A/CONF.151/PC/102, it would aim, inter alia, to review environmental and development activities and topics, and to monitor international obligations and agreements, indicating those areas requiring the most priority, revision or direction. As an advisory body, it would also have the task of assessing and investigating threats and solutions to environmental and development problems of global importance.

7. This proposal is the outcome of agreements reached by the Central American Presidents at their latest summit held in Tegucigalpa, Honduras, in December 1991, which were intended to promote the participation of Governments, institutions, United Nations agencies and other intergovernmental and non-governmental organizations and sectors in implementing and publicizing the Agenda 21 programmes and other relevant decisions connected with global environmental and development processes.

8. Central America is submitting this initiative to the Preparatory Committee so that Governments may approve and support the creation of the proposed Council, and declares its readiness to provide the necessary facilities so that it can operate in the Central American region.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.29/Corr.1
18 March 1992
ENGLISH
ORIGINAL: SPANISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 4

OTHER LEGAL, INSTITUTIONAL AND RELATED MATTERS, AS WELL AS LEGAL AND INSTITUTIONAL ASPECTS OF CROSS-SECTORAL ISSUES, INCLUDING THOSE REFERRED TO WORKING GROUP III BY WORKING GROUP I, WORKING GROUP II AND THE PLENARY OF THE PREPARATORY COMMITTEE

Creation of a "Planet Earth Council"

Proposal submitted by Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama

Corrigendum

1. Page 2, paragraph 6, second sentence

   For As an advisory body read As a non-governmental organization

2. Page 2, paragraph 8

   Replace the existing text with the following:

   8. Central America is submitting this non-governmental initiative to the Preparatory Committee so that Governments may welcome and support the creation of the proposed council.

92-12575 3025f (E) 180492 180392

UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.30
18 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 2

SURVEY OF EXISTING AGREEMENTS AND INSTRUMENTS AND ITS FOLLOW-UP

Draft decision

China and Pakistan*

The Preparatory Committee, recalling General Assembly resolution 44/228, on the United Nations Conference on Environment and Development, decides that the following text should be inserted as section 8, chapter IV, of Agenda 21.

Introduction

The Preparatory Committee emphasizes the importance of the participation in and contribution of all countries, in particular the developing countries to the development of international law on sustainable development,

The Preparatory Committee recognizes that most of the existing international legal instruments and agreements in the field of environment have so far been developed without adequate participation and contribution of developing countries, and thus do not fully reflect the priorities and interests of those States,

The Preparatory Committee is aware of imbalances in the effective governance of existing legal agreements and instruments, including programme activities, working groups and regular review meetings.

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* On behalf of the States Members of the United Nations that are members of the Group of 77.

Basis for action

The relationship between existing international agreements or instruments in the field of environment and relevant international trade agreements or instruments should be strengthened, taking into account the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of Developing Countries, 1/ and the International Development Strategy for the Fourth United Nations Development Decade. 2/

States should cooperate to develop further international law in the field of sustainable development. In doing so, special attention should be given to the delicate balance between environmental and development concerns.

Any attempt at codification of international law in the field of sustainable development should be universal, transparent and democratic, within the framework of the United Nations.

While global participation is essential for the success of the treaty making in the field of international law of sustainable development, the special needs and concerns of developing countries should be adequately covered.

Future codification projects will have to take into account the ongoing work of the International Law Commission.

That the developing countries should be provided with technical assistance in their attempts to enhance their national legislative capabilities in the field of environmental law.

Objectives

The overall objective of the review and development of the international environmental law should be aimed at integration of environment and development policies through effective universally valid and multilaterally negotiated international agreements and instruments, taking into account the needs and concerns of the developing countries. Specific objectives are:

(a) To identify and address difficulties which prevent developing countries from participating in or duly implementing existing international legal instruments;

1/ General Assembly resolution S-18/3 of May 1990.

2/ General Assembly resolution 45/199 of 21 December 1990, annex.

(b) To review and revise, as appropriate, the relevant existing international legal instruments in the light of integration of environmental and developmental concerns, taking into account special needs and situation of developing countries in order to lay down a sound basis for future implementation of these instruments;

(c) To set priorities for future law making, taking into account the principles of universality, transparency and democracy;

(d) To promote and support the effective participation of developing countries, particularly the least developed countries, in the negotiation and governance of international legal agreements and instruments, including technical and financial assistance and other available mechanisms for this purpose;

(e) To promote, through the gradual development of universally valid, multilaterally negotiated agreements and international standards for the protection of environment that take into account the different situations and capabilities of countries, in order to combat through international cooperation unilaterally set environmental standards that may be used as excuses for unjustified additional barriers to trade.